

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4
5 RONNIE BLANCH,

6 Plaintiff,

7 vs.

8 LAS VEGAS METROPOLITAN POLICE
9 DEPARTMENT, OFFICER JOSH COSTELLO,

10 Defendants.

2:14-cv-01762-GMN-VCF

REFERRAL TO PRO BONO PROGRAM

11 Before the court is Plaintiff's Motion for Appointment of Counsel (#39). Defendants filed a
12 response. (#40). A settlement conference is scheduled for February 10, 2016.

13 **DISCUSSION**

14 There is no constitutional right to appointed counsel in a federal civil rights action.
15 *See, e.g., Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), *op. reinstated in pertinent part*, 154 F.3d
16 952, 954 n. 1 (9th Cir. 1998) (en banc). Under 28 U.S.C. § 1915(e)(1), the district court may request that
17 an attorney represent an indigent civil litigant. *See, e.g., Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th
18 Cir. 1986); 28 U.S.C. § 1915(e)(1) ("The court may request an attorney to represent any person unable to
19 afford counsel."). While the decision to request counsel is a matter that lies within the discretion of the
20 district court, the court may exercise this discretion to request or "appoint" counsel only under
21 "exceptional circumstances." *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir.1991). "A finding of
22 exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the
23 ability of the petitioner to articulate his claims *pro se* in light of the complexity of the issues involved.
24 Neither of these factors is dispositive and both must be viewed together before reaching a decision." *Id.*

1 Blanch's motion fails to satisfy this standard. In light of the upcoming settlement conference, the
2 court finds that the presence of a *pro bono* counsel would be beneficial to all parties toward reaching a
3 resolution of this matter.

4 This case is referred to the Pilot *Pro Bono* Program ("Program") adopted in General Order 2014-
5 01 for the purpose of screening for financial eligibility (if necessary) and identifying counsel willing to be
6 appointed as *pro bono* counsel for Plaintiff Ronnie Blanch. The scope of appointment will be for the
7 limited purpose of representation at the settlement conference. By referring this case to the Program, the
8 Court is not expressing an opinion as to the merits of the case.

9 Accordingly,

10 **IT IS HEREBY ORDERED** that this case is referred to the Pilot *Pro Bono* Program for
11 appointment of counsel for the purposes identified herein.

12 **IT IS FURTHER ORDERED** that Plaintiff Blanch's Motion for Appointment of Counsel (#39)
13 is GRANTED in part and DENIED in part as stated above.

14 **IT IS FURTHER ORDERED** that the settlement conference scheduled for February 10, 2016 is
15 VACATED and rescheduled to 10:00 a.m., April 22, 2016. The confidential settlement statement is due
16 by noon, April 15, 2016. All else remains unchanged in the Order scheduling the settlement conference
17 (#38). Defendants must facilitate Plaintiff Blanch's transportation to and from the settlement conference
18 from Southern Desert Correctional Center.

19 **IT IS SO ORDERED.**

20 DATED this 28th day of January, 2016.

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23 CAM FERENBACH
24 UNITED STATES MAGISTRATE JUDGE
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